



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119

IN REPLY REFER TO:

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(UT-023)

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FEB 24 2000
DIVISION OF
OIL, GAS AND MINING

FEB 23 2000



DECISION

Mr. Dean Wilson	:	
Wilson Enterprises, Inc.	:	43 CFR 3809
P.O. Box 267	:	Surface Management
Hill City, South Dakota 57745	:	Notice of Noncompliance

Notice of Noncompliance for Failure to Reclaim the Toprok Mine Area

During a routine inspection of your Toprok placer mining claim located in T. 7 S., R. 18 W., Section 28 (UMC 345829), we determined that reclamation of the site has not been completed, as required under 43 CFR 3809.1-1. A Notice to conduct mining activities using a track-hoe and jackhammer was filed on September 20, 1991 and accepted by the Salt Lake District Office on October 2, 1991. The subject mining claims were abandoned by you and subsequently closed by the Utah State Office on March 4, 1993. Please be aware that, as the claimant, you are the responsible party for reclamation of all surface disturbance on your claims, even if you have failed to complete the required assessment work and have let your claims lapse.

The principal surface disturbance associated with your mining activities includes two quarries herein called the "east" and "west" quarries. The east quarry is approximately 30 feet wide by 75 feet long by 8 to 10 feet deep. At this location, there is a stockpile of excavated material at the northwest corner of the site about 20 feet in diameter, as well as a small mine dump 20 feet long by 30 feet wide, where material has been sidecast over the hillside to the north of the quarry. The total area disturbed by mining and associated activities at the east quarry is about 3,000 square feet. The west quarry is 50 feet long by 20 feet wide by 10 to 12 feet deep, with associated disturbances which cover a total area 150 feet long by 100 feet wide for a total disturbance of 15,000 square feet. In addition to the quarries, an access road has been constructed that is about 500 feet long by 10 feet wide covering an area of about 5,000 square feet. The combined area disturbed by your mining and exploratory activities is 23,000 square feet, or 0.53 acres.

Inspections of your Toprok claim area in 1993, 1996 and 1999 reveal that the site has not been active during that entire time period and that reclamation has not been completed as required under Bureau of Land Management (BLM) regulations at 43 CFR 3809.3-7. Please be advised that you would be the responsible party if someone were injured through your negligence.

Reclamation of the quarry areas would include, but not be limited to, backfilling each pit with the stockpiled overburden that currently surrounds each excavation. Excavated material that has been sidecast over the hillsides would have to be pulled back up into the disturbed areas and spread evenly to replicate the natural topography of the site. The access road would also have to be ripped and scarified to enhance revegetation success. After the "dirt work" has been completed, all of the disturbed areas must be reseeded using a mixture of live native seed (seed list provided upon request). Because topsoil was apparently not saved prior to excavation of the quarries, topsoil would have to be imported and spread over the reclaimed areas prior to revegetation of the site.

Please contact this office within 15 days of receipt of this letter to set up a schedule for reclamation of the surface disturbance associated with your mining activity. Because you have abandoned your mining claims and not fulfilled the reclamation requirements of 43 CFR 3809.1-1, your mining-related activities are causing unnecessary or undue degradation to Public Lands, for which you are herein being issued a Notice of Noncompliance. Operators who have been issued a Notice of Noncompliance and fail to initiate the actions required to correct the noncompliance will have established a Record of Noncompliance. Failure of an operator to take necessary actions on a Notice of Noncompliance may constitute justification for requiring the submission of a Plan of Operations and the posting of a bond for 100% of BLM's estimated cost of reclamation, including administrative costs, for any future mining operations.

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Sincerely,

GLENN A. CARPENTER

Glenn A. Carpenter
Field Office Manager

cc: D. Wayne Hedberg
Utah Division of Oil, Gas and Mining

Utah BLM State Office (UT-921)